

Response dated 05/10/2005
Reply to Office Action of 03/07/2005

Application No. 09/995,649

REMARKS

The Office Action of March 7, 2005 has been reviewed and the comments therein were carefully considered. Claims 1-46 and 48 are pending in this application. Claims 1-4, 6-31, 33-35, 38, 42-46 and 48 stand rejected. Claims 5, 32, 36-37 and 39-41 are objected to.

Interview

The Applicant would like to thank the Examiner for participating in the interview of April 12, 2005. During the interview the Applicant discussed the Leonwich and Hirohama references and features that are believed to not be found in either reference.

Claim Rejections Under 35 USC §103

Claims 1, 4, 10, and 12-16 stand rejected to under 35 USC §103(a) as being unpatentable over Leonowich, U.S. Patent No. 6,195,004 in view of Hirohama, U.S. Patent No. 5,757,125.

Claim 1 includes the feature of "receiving a plurality of messages from at least one message source, each message associated with at least one corresponding auditory icon." On page 2, the Office Action alleges that:

"assigning distinct audio sounds to represent events executed by a device (col 1, line 57 – col 2, line 2) reads upon the "message associated with at least one corresponding auditory icon" (emphasis original) ."

The Applicant respectfully disagrees. The portion of claim 1 cited above includes a "message" and "at least one corresponding auditory icon." Leonwich merely discusses "audio sounds." If the disclosed "audio sounds" correspond to the claimed "at least one corresponding auditory icon," the Office Action does not address where the claimed "messages" are found. As stated in Col. 2, lines 48-49, of Leonwich, "[w]hen a device performs an event, the device generates

Response dated 05/10/2005
Reply to Office Action of 03/07/2005

Application No. 09/995,649

a signal which is unique to that device.” Leonowich never suggests the inclusion of both a “message” and an “auditory icon.” Hirohama also fails to disclose these features.

For at least this reason, the Applicant respectfully submits that claim 1 and the claims that depend from claim one are allowable over the prior art of record. Claim 16 includes a similar limitation and is in condition for allowance for similar reasons.

Moreover, as the Office Action notes on page 2, Leonowich does not disclose “prioritizing ... based on at least one context value.” The relevant limitation from claim 1 is “prioritizing the plurality of messages to identify at least one message based on at least one context value.” Leonowich discloses a system for “determining if a received signal should be emitted” (Col. 3, lns. 46-47) based on “assigning different status levels to emitted signals (Col. 3, lns. 51-52). Leonowich further describes:

For example, signal 7 from fire alarm 32 could emit a status 1 signal which would be emitted from every device on the network. Other devices could be assigned different status levels and a threshold status that would have to be met in order for another device’s signal to be transmitted from that device.

(Col. 3, lns. 52-57). Thus, unlike the present invention, Leonowich does not disclose “prioritizing [a] plurality of messages,” but instead discloses a system for determining whether or not a signal from a specific device, in isolation, should be emitted. This determination is not based on “prioritizing [a] plurality of messages,” prioritizing a plurality of signals or anything else. A given signal is processed the same by the system disclosed in Leonowich regardless of whether or not other signals are even present. As a result, Leonowich does not disclose, teach or suggest “prioritizing [a] plurality of messages.”

Response dated 05/10/2005
Reply to Office Action of 03/07/2005

Application No. 09/995,649

For at least this reason, the Applicant respectfully submits that claim 1 and the claims that depend from claim one are allowable over the prior art of record. Claim 16 includes a similar limitation and is in condition for allowance for similar reasons.

The Office Action also alleges that it would have been obvious to "base the presentation of Leonowich's EARCON information upon 'context'-sensitive criteria, as in the Hirohama VOICE GUIDE, for this makes the resulting 'mobile terminal' all the more pertinent to individual users." The Applicant notes that the alleged motivation of making the "resulting 'mobile terminal' all the more pertinent to individual users" is not found in either reference. Moreover, the Applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness. It remains unclear how Leonowich could even be modified to present "EARCON information upon 'context'-sensitive criteria." Leonowich discloses providing audio signals to a user when events performed by appliances are completed. (See Abstract). An event either occurs and a sound is produced or an event does not occur and no sound is produced. There is simply no suggestion in Hirohama or the Office Action regarding how such a system could be modified to incorporate the step of "prioritizing the plurality of messages to identify at least one message based on at least one context value," as claimed, or how such a modification would "make the resulting 'mobile terminal' all the more pertinent to the individual user."

On page 7 the Office Action alleges that "Hirohama is readily adapted to assist in this regard, by applying context rules that are relevant to the user of a mobile terminal." The primary reference, Leonowich, discloses an earcon and not a mobile terminal. The Office Action fails to provide any motivation for changing the "earcon" of Leonowich into a "mobile terminal." Moreover, the device of Leonowich provides audio signals to a user when events performed by appliances are completed.

Response dated 05/10/2005
Reply to Office Action of 03/07/2005

Application No. 09/995,649

The Office Action has not provided any explanation regarding how context rules would be applied to this strictly binary operation. An event either occurs or it does not occur.

Even if Leonowich could somehow be combined with Hirohama, Hirohama does not provide any teachings to cure the deficiencies of Leonowich. Hirohama teaches a "voice guide system which can provide ... a guide in more than one language to be made as required" (Col. 1, lns. 4-48) for "a particular visitor to an exhibition room, event hall, etc." (Col. 3, lns 64-66). Specifically Hirohama discloses the means by which a strolling visitor, carrying the terminal unit disclosed, can listen to pre-stored information in his/her native language about a particular exhibition being viewed in a specific exhibit room. Hirohama does not disclose, teach or suggest a method of "prioritizing a plurality of messages...based on at least one context value" to determine which guide information to provide; on the contrary, specific pre-stored guide information is played based on a visitor's location. Thus, even if Leonowich and Hirohama were combined, their teachings would not result in the invention of claim 1. Rejected claims 4, 10, and 12-15 each depend from claim 1, and thus are allowable for at least the same reasons as claim 1.

Claims 33 and 48 stand rejected under 35 USC 103(a) as being unpatentable over Leonowich in view of U.S. Pat. No. 6,404,442 (Hilpert). The Applicant respectfully traverses this rejection. Leonowich and Hilpert, either alone or in combination, do not teach the inventions of claims 33 and 48. As the examiner notes, "Leonowich alone does not fairly teach the correlation of 'visual icons' with 'an associated auditory icon,' to allow the user 'to select at least one of the visual icons' and then hear its 'auditory icon.'" Hilpert discloses a computer system where "sounds are projected or rendered in space surrounding a computer system to provide information concerning various aspects of information displayed on the computer system display screen." (Abstract). It would not have

Response dated 05/10/2005
Reply to Office Action of 03/07/2005

Application No. 09/995,649

been obvious to one of ordinary skill in the art to combine the teachings of Leonowich with the teachings of Hilpert to arrive at the invention of claim 33 and claim 48 because Leonowich teaches away from the use of visual indicators. (Specifically, Leonowich states:

The same benefit cannot be obtained in a visual indicator environment because an operator has to repeatedly focus attention on a device to look for an indication of a completed task. Also, visual indicators are rendered useless once the operator leaves the room containing the indicator.

(Col. 1, lns. 36-41). Thus, one of ordinary skill in the art would not be motivated to combine the teachings of Hilpert (where sounds are projected corresponding to information displayed on a computer screen) to overcome the deficiencies of Leonowich.

On page 8 the Office Action alleges that Leonowich merely comments upon the useless nature of visual displays that are at a fixed location. The Office Action appears to imply that such a teaching is not relevant to Hilpert. However, Hilpert displays data on a fixed computer display device. See the abstract of Hilpert.

For these reasons, the Applicant requests reconsideration of the rejection of claim 33 and 48.

Claims 2-3, 6-9, 11, 17-31, 34-35, 38 and 42-46 stand rejected under 35 USC 103 a) as being unpatentable over Leonowich in view of Hirohama and Hilpert. The Applicant respectfully traverses this rejection.

Rejected claims 2-3, 6-9, and 11 each depend from claim 1, and thus are allowable for at least the same reasons as claim 1, discussed above. Furthermore, as discussed above, Leonowich specifically teaches away from the teachings of Hilpert, and thus it would not have been obvious to one of ordinary skill in the art to combine the teachings of Hilpert with Leonowich or Hirohama. Thus, for the additional reasons discussed above with respect to Hilpert, claims 2-3, 6-9, and 11 are

Response dated 05/10/2005
Reply to Office Action of 03/07/2005

Application No. 09/995,649

allowable. Claims 17-31 and 34-35, 38 and 42-46 are also allowable for at least the reasons discussed above with respect to Hilpert.

Claim Objections:

Claims 5, 32, 36-37 and 39-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the reasons stated above, the Applicant believes that all of the pending claims are in condition for allowance.

CONCLUSION

The Applicant respectfully submits that the instant application is in condition for allowance. Should the Examiner believe that a conversation with Applicant's representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicant's representative.

Date: May 10, 2005

Respectfully submitted,

By: 

Charles L. Miller
Registration No. 43,805
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000
Facsimile: 312-463-5001